

## RESOLUTION NO. A-\_\_\_\_\_

## SPECIAL PERMIT NO. 1022D

1 WHEREAS, South Lincoln Apartments Limited Partnership II has submitted  
2 an application designated as Special Permit No. 1022D to amend Old Cheney Place  
3 Community Unit Plan to add a 12-unit multi-family building, with waivers of the preliminary  
4 plat process to allow the Director of Planning to approve an administrative final plat in  
5 accordance with the approved community unit plan which includes public streets and  
6 private roadways, on property located at S. 27th Street, north of Old Cheney Road, and  
7 legally described to wit:

8 Lots 13 and 14, Block 1, Lots 1 - 4, Block 2, the remaining  
9 portion of Lot 1, Lot 2, block 4, Old Cheney Place 1st Addition;  
10 Lots 1 - 6, Block 2, Lots 1 and 2, Block 4, Lot 1, Block 3, and  
11 Outlots A and B, Lots 1 - 8, Block 1, Old Cheney Place 8th  
12 Addition; Lots 1 - 12, Outlot A, Old Cheney Place 2nd Addition;  
13 Lots 1 - 6, block 1, Lots 1 - 9, Block 2, Lots 1 - 10, Block 4,  
14 Outlot C, Lots 1 - 11, Block 3, Outlot B, Old Cheney Place 4th  
15 Addition, located in Section 7, Township 9 North, Range 7  
16 East of the 6th P.M., Lancaster County, Nebraska;

17 WHEREAS, the real property adjacent to the area included within the site  
18 plan for this additional 12-unit multifamily building to the community unit plan will not be ad-  
19 versely affected; and

20 WHEREAS, said site plan together with the terms and conditions hereinafter  
21 set forth are consistent with the intent and purpose of Title 27 of the Lincoln Municipal  
22 Code to promote the public health, safety, and general welfare.

23 NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of

1 Lincoln, Nebraska:

2 That the application of South Lincoln Apartments Limited Partnership II,  
3 hereinafter referred to as "Permittee", to amend Old Cheney Place Community Unit Plan  
4 to add a 12-unit multi-family building, with waivers of the preliminary plat process to allow  
5 the Director of Planning to approve an administrative final plat in accordance with the  
6 approved community unit plan which includes public streets and private roadways, on the  
7 property legally described above, be and the same is hereby granted under the provisions  
8 of Section 27.63.320 and Chapter 27.65 of the Lincoln Municipal Code upon condition that  
9 construction and operation of said multifamily building be in strict compliance with said  
10 application, the site plan, and the following additional express terms, conditions, and  
11 requirements:

12 1. This permit approves 192 dwelling units.

13 2. The waiver of the preliminary plat process shall be effective for a  
14 period of ten years from the date of approval of this special permit and shall be of no force  
15 or effect thereafter. If any final plat on all or a portion of the approved community unit plan  
16 is submitted five years or more after the approval of the community unit plan, the City may  
17 require that a new community unit plan be submitted, pursuant to all the provisions of  
18 Section 26.31.015. A new community unit plan may be required if the subdivision  
19 ordinance, the design standards, or the required improvements have been amended by  
20 the City; and as a result, the community unit plan as originally approved does not comply  
21 with the amended rules and regulations.

22 3. Before receiving building permits:

23 a. The Permittee must submit an acceptable revised and

1                               reproducible final plan including six copies.

2                               b.     The construction plans must conform to the approved plans.

3                               c.     Final Plats within this community unit plan must be approved  
4                               by the City.

5                               4.     Before occupying the dwelling units all development and construction  
6 must be completed in conformance with the approved plans.

7                               5.     All privately-owned improvements must be permanently maintained  
8 by the Permittee or an appropriately established homeowners association approved by the  
9 City Attorney.

10                              6.     The site plan approved by this permit shall be the basis for all  
11 interpretations of setbacks, yards, locations of buildings, location of parking and circulation  
12 elements, and similar matters.

13                              7.     The terms, conditions, and requirements of this resolution shall be  
14 binding and obligatory upon the Permittee, its successors, and assigns. The building  
15 official shall report violations to the City Council which may revoke the special permit or  
16 take such other action as may be necessary to gain compliance.

17                              8.     The Permittee shall sign and return the City's letter of acceptance to  
18 the City Clerk within 30 days following approval of the special permit, provided, however,  
19 said 30-day period may be extended up to six months by administrative amendment. The  
20 City Clerk shall file a copy of the resolution approving the special permit and the letter of  
21 acceptance with the Register of Deeds, filing fees therefor to be paid in advance by the  
22 Permittee.

Introduced by:

\_\_\_\_\_

Approved as to Form & Legality:

\_\_\_\_\_  
City Attorney

Approved this \_\_\_\_ day of \_\_\_\_\_, 2003:

\_\_\_\_\_  
Mayor